

Application No. 10/697,549
Reply to Office Action mailed May 2, 2005

REMARKS

A. Introduction

The present Amendment is in response to the Examiner's Office Action mailed May 2, 2005 (the "Office Action"). Claims 1-33 were pending. Claims 1, 2, and 10 are amended. Claims 1-33 remain pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicants' remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

B. Objection to the Claims

The Office Action objects to claim 2 for a numerical informality. In response, Applicants have amended claim 2 such that it correctly depends from independent claim 1. Removal of the objection to claim 2 is therefore respectfully solicited.

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C. Rejections Under 35 U.S.C. § 102

The Office Action rejects claims 1-11 under 35 U.S.C. § 102(e) as being anticipated by United States Patent Application Publication No. US 2003/0185519 A1 to Ushinsky ("Ushinsky"). In addition, claims 1-6 and 10-13 are rejected under Section 102(a) as being anticipated by United States Patent No. 6,430,337 to Bergmann, *et al.* ("Bergmann"). Because neither *Ushinsky* nor *Bergmann* teach or obviously suggest each of the limitations of the present claimed invention, Applicants traverse the rejection under Section 102.

With respect to independent claims 1 and 10, Applicants note that these claims have been amended and are in condition for allowance. In particular, independent claim 1 has been amended to require, in a collimating device, the presence of a collimating portion, a core portion, and an adapter portion, "wherein the adapter portion is coupled with the core portion *via a tongue and slot configuration*." Similarly, amended independent claim 10 requires, in a collimating device, the presence of a collimating portion, a core portion having a first end and a second end that defines a tongue portion, and an adapter portion having first and second ends, "wherein the adapter portion first end defines a *slot that engages the tongue portion of the core portion*." As admitted on page 8 of the Office Action, the art of record fails to teach or suggest at least the above limitations. Consequently, *Ushinsky* and *Bergmann* each fail to teach or suggest each and every element of amended independent claims 1 and 10, and thus cannot be used to anticipate the present invention. Further, inasmuch as claims 2-9 and 11-16 are dependent on independent claims 1 and 10, respectively, they are also allowable for at least the reasons given above. Applicants therefore respectfully submit that each of the above claims is

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patentably distinct and request that the Section 102 rejections in view of *Ushinsky* and *Bergmann* be withdrawn.

D. Rejections Under 35 U.S.C. § 103

The Office Action rejects claims 7-8 and 14-16 under 35 U.S.C. § 103(a) as being unpatentable over *Bergmann*.

Applicants note that each of these rejections is based upon the *Bergmann* reference. It is further noted that each of the rejected claims is dependent upon one of independent claims 1 and 10. As was previously discussed, the teachings of *Bergmann* are inapplicable to the present invention as applied to independent claims 1 and 10 for failing to teach or suggest each of the limitations contained in those claims. Thus, *Bergmann* is equally inapplicable to the present claims rejected under Section 103 for at least the same reasons, that is, its failure to teach or suggest all of the claim limitations contained not only in independent claims 1 and 10 but also the limitations contained in the present rejected dependent claims. Thus, the Examiner has failed to make out a *prima facie* case of obviousness. Applicants therefore submit that claims 7-8 and 14-16 are allowable and that the above rejection under Section 103 should be withdrawn.

E. Allowable Subject Matter

Applicants wish to thank the Examiner for allowance of claims 17-33.

Applicants submit the following comments regarding the Examiner's statements of reasons for the indication of allowable subject matter in the Office Action. Applicant agrees with the Examiner that the claimed invention of claims 17-33 is patentable over the prior art, but respectfully disagrees with the Examiner's statement of reasons for allowance as set forth in the

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Office Action. Applicants submit that it is the claim as a whole, rather than any particular limitation, that makes each of these claims allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that makes it allowable. Therefore, Applicants do not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, the claims allowable and do not make any admission or concession concerning the Examiner's statement in the Office Action.

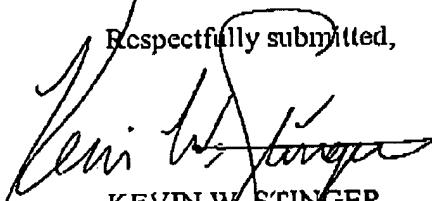
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CONCLUSION

In view of the foregoing, Applicant respectfully submits that each of the pending claims 1-33 is now in condition for allowance. Therefore, reconsideration of the rejection is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that can be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 2nd day of September, 2005

Respectfully submitted,



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